UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,263	09/25/2006	Nalliah Raman	NL040298US1	6364

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EXAMINER
BOYD, JONATHAN A

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
10/15/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action *Before the Filing of an Appeal Brief*	Application No. *10/599,263*	Applicant(s) RAMAN ET AL.
	Examiner JONATHAN BOYD	Art Unit 2629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>24 September 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: *5-9*.

   Claim(s) rejected: *1,4 and 10-20*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Amr Awad/
Supervisory Patent Examiner, Art Unit 2629

/J. B./
Examiner, Art Unit 2629

Continuation of 3. NOTE: Amendments to claim 17 by changing from "(i) or (ii)" to (i) and (ii)" change the scope of the claim and will therefore require further consideration. The amendments of claim 15, namely changing from "(i) or (ii)" to "(i) and/or (ii)" do not change the scope of the claim and will still be read as "(i) or (ii)" . The statement "and/or" in claim 15 does not force the Examiner to read on both "parts" of the "and/or" statement as stated by Applicant

The Examiner respectfully disagrees with Applicant's assertions on Page 6 of the Remarks that the 35 U.S.C 112 rejections of claims 15,17 and 18 are not proper. No where in the instant application's disclosure , nor claims, can it be found that there are temporary thresholds being set, to properly support Applicant's assertion. Therefore the 35 U.S.C. 112 rejections of claims 15, 17 and 18 are deemed proper.

The Examiner respectfully disagrees with Applicant's assertion on pages 7-10 of the Remarks that Park does not disclose claim 15, particularly: "means for selecting a dimmed brightness level of the light source in dependence on the gray levels of the image pixels, the means for selecting being adapted to: select the dimmed brightness level in dependence on: (i) a number of occurrences of a gray level corresponding to a brightness level of display pixels above the dimmed brightness level, OR (ii) a number of occurrences of a gray level corresponding to a brightness level of display pixels below a predetermined brightness level being a fixed or adjustable level determined in dependence on the dimmed brightness level, and means for adapting the input signal in dependence on the dimmed brightness level". In p[0030]-p[0035] Park teaches counting a number of occurrences of low gray levels and high gray levels within an image and outputting a luminance control signal to alter the luminance of the backlight dependent on the count. P[0035] states that when the high gray levels are greater than the low gray levels that the luminance of the backlight is set to an increased value, and in the opposite case when the low gray levels are greater than the high gray levels the luminance of the backlight is set to a value, less than the value of the first case. P[0045] further states how the gray levels are counted by counting the amount of data over a first predetermined gray level and the amount of data below a second predetermined gray level. Thus there is a means for selecting a dimmed brightness level of the backlight by counting a number of occurrences of data over a first predetermined gray level and the amount of data below a second predetermined gray level and adapting a signal to control the luminance of the backlight dependent on the results of the count as shown in Figure 3.

Further, the Examiner respectfully disagrees with Applicant's assertions on page 11 and 12 that claims 4,11,19 and 20 should be allowable based on the Examiner's reasons for allowance. The Examiner's reasons for allowance are pointing to the particular error function in claim 5, which is the basis for the allowable subject matter. No where in claims 4,11, 19 or 20 is this function cited.